

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

MARK BENNETT and PAULETTE
BENNETT,

Plaintiffs,

v.

Case No: 2:21-cv-770-SPC-NPM

TRANSUNION, LLC, EQUIFAX
INFORMATION SERVICES,
LLC, SYSTEMS & SERVICES
TECHNOLOGIES, INC. and
TRUIST BANK,

Defendants.

ORDER¹

Before the Court is Defendant Truist Bank's Motion for Clarification as to Rule 81(c)(2) ([Doc. 15](#)). Truist wants to clarify whether its Answer (filed in state court) is considered an operative pleading. Because it's unclear as to the meaning of Rule 81, Truist wants a "comfort order" from the Court. ([Doc. 15 at 2](#)). The Motion is denied.

This Court does not give parties advice on whether they complied with the applicable law. Nor have federal courts been able to offer such advisory

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opinions for about two hundred years. *Note, Advisory Opinions and the Influence of the Supreme Court Over American Policymaking*, 124 Harv. L. Rev. 2064, 2066-67 (2011) (explaining historical evolution of prohibition). Truist has counsel, and the Court expects them to know the Rules. While parties are free to seek clarification of orders or judgments, they cannot rely on the Court to tell counsel how to litigate. What's more, the Rule is not even slightly ambiguous:

After removal, repleading is unnecessary unless the court orders it. A defendant *who did not answer before removal* must answer

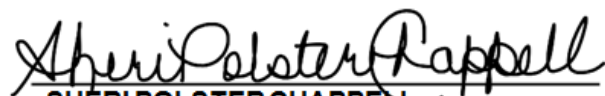
[Fed. R. Civ. P. 81\(c\)\(2\)](#) (emphasis added). To clarify further, the Clerk already docketed Truist's Answer ([Doc. 6](#)). Going forward, the Court will not tolerate unnecessary and frivolous motion practice—a category this request falls into.

Accordingly, it is now

ORDERED:

Defendant Truist Bank's Motion for Clarification as to Rule 81(c)(2) ([Doc. 15](#)) is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida on October 28, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record